REMARKS

Claims 1-29 are pending in the application. Claims 1, 12 and 19, the only independent claims, have been amended herein. Attached hereto, captioned "**Version with markings to show changes made**", is a marked-up version of the changes made to the claims.

Claims 1-5, 7-9, 11-24, 26, 28 and 29 were finally rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,314,085 (Saranka) and Claims 6, 10, 25 and 27 were rejected under 35 USC 103(a) as being unpatentable over Saranka. Each of the rejections is again respectfully traversed and reconsideration is requested.

In response to Applicants' previous arguments that *"Saranka fails to teach or suggest that quality of service estimations are compared in order to localize a respective quality of service estimation to a likely physical communication path within the network"*, a statement is made on Page 3 of the Final Action that, "the service estimations (of Saranka) are made to avoid congestion and the best path is chose" – the Action then directs Applicants to col. 3, lines 42-47 of Saranka for support.

Applicants respectfully submit that even *if* the "service estimations are made to 'avoid congestion' in Saranka's methods, Saranka does not teach or suggest *'comparing the quality of service estimations to localize the estimations to a likely physical communication path'*.

The Action states on page 4 that, again in Saranka, "the quality of service estimate would be compared with a reference value to determine if congestion...is detected".

It is respectfully submitted that this alleged feature of Saranka does not teach or suggest a method in accordance with any of Applicants' independent claims in which the *comparison of quality of service estimations* are provided in order to *localize the estimation to a likely communication path*.

Again, Applicants' teachings are directed to a method for *physically locating network degradations* through knowledge of a physical network topology and the network's physical relationship to its subscriber base. Such a method could not be implemented into, and is not taught or suggested by, a packet or switched network such as Saranka that is not physically 'static'. In Saranka's network, it is *not possible* to "compare the quality of service to localize the estimations to a likely physical communication path".

While Applicants fully believe that the claims as filed are patentable over Saranka, in order to eliminate any issue and to even further distinguish over Saranka, each of independent Claims 1, 12 and 19 has been amended herein to recite the step of "comparing the quality of service estimations for the plurality of communications mediums *with one another* in order to localize a respective quality of service estimation to a likely physical communication path within the communications network".

Applicants respectfully submit that each of independent Claims 1, 12 and 19, as amended herein, is patentable over Saranka and favorable reconsideration is requested.

Claims 2-11, 13-18 and 20-29 are dependent on either independent Claim 1, 12 or 19, and therefore such dependent claims are submitted to be patentable for at least the same reasons as those independent claims.

It is respectfully submitted that in regard to the above remarks that the pending application is patentable over the art of record and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this response or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

Karin L. Williams Registration No. 36,721

Certificate of Facsimile Transmission
I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703) 872-9315 on January 12, 2003.

Karin L. Williams, Reg. No. 36,721
(Printed Name of Person Mailing Correspondence)

(Signature)

Please Continue to Send All Correspondence to:

Motorola Inc.
Corporate Offices
1303 East Algonquin Road
Schaumburg, IL 60196

Version with markings to show changes made

In The Claims

Claims 1, 12 and 19 have been amended as follows:

1. (Amended) A method of quality service localization within a relatively time-invariant communications network comprising:

receiving quality of service estimations for a plurality of communications mediums, wherein each of the plurality of communications mediums is defined between a respective one of a plurality of transmitters located within the communications network to a common receiving point of the communications network, wherein each communications medium is conveyed over at least one shared physical communications path and at least one non-shared communications path; and

comparing the quality of service estimations for the plurality of communications mediums with one another in order to localize a respective quality of service estimation to a likely physical communication path within the communications network.

12. (Amended) A system for quality service localization within a relatively time-invariant communications network comprising:

means for receiving quality of service estimations for a plurality of communications mediums, wherein each of the plurality of communications mediums is defined between a respective one of a plurality of transmitters located within the communications network to a common receiving point of the communications network, wherein each communications medium is conveyed over at least one shared physical communications path and at least one non-shared communications path; and

means for comparing the quality of service estimations for the plurality of communications mediums with one another in order to localize a respective quality of service estimation to a likely physical communication path within the communications network.

19. (Amended) A system for quality service localization comprising:

a relatively time-invariant communications network comprising:

a common receiving point;

a plurality of transmitters for transmitting to the common receiving point; [and]

a plurality of communications mediums coupling respective ones of the plurality of transmitters to the common receiving point, wherein each of the communications mediums is conveyed over at least one shared physical communications path and at least one non-shared communications path to the common receiving point; and

a quality of service localizer coupled to the common receiving point, wherein the quality of service localizer localizes, based upon the [analysis of] comparing, with one another, quality of service estimations received from the common receiving point, a particular quality of service estimation to a likely physical communication path within the network.